

EXHIBIT 37

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1  
2       UNITED STATES DISTRICT COURT  
3       SOUTHERN DISTRICT OF NEW YORK  
4       Case No. 03-MDL-1570 (GBD) (SN)

5       -----x .

6       IN RE: TERRORIST ATTACKS ON  
7       SEPTEMBER 11, 2001

8       -----x

9                   July 7, 2021

10                  9:06 a.m.

11  
12                   Videotaped Deposition via Zoom  
13                  of JIMMY GURULE, pursuant to Notice,  
14                  before Jineen Pavesi, a Registered  
15                  Professional Reporter, Registered Merit  
16                  Reporter, Certified Realtime Reporter and  
17                  Notary Public of the State of New York.

1 GURULE  
2 did not consider any underlying evidence  
3 pertaining to any specific SDGT  
4 designation made pursuant to Executive  
5 Order 13224, is that correct?

6 A. Yes.

7 Q. In forming your opinions that  
8 are offered in your expert opinion dated  
9 February 1st, 2021, and marked as Exhibit  
10 2032, you did not consider any underlying  
11 evidence pertaining to any specific  
12 designation made pursuant to U.N.  
13 Resolution 1267, is that correct?

14 A. Yes.

15 8 Y 211

16 | of you.

17 MS. BEMBRY: We can take down  
18 Exhibit 2033.

19 Q. You note on page 6 of your  
20 report that designation as an SDGT is an  
21 administrative rather than a criminal  
22 action, is that right?

23 A. Yes.

24 Q. And that means that it's not an  
25 adjudication process of the guilt or

1 GURULE

2 innocence of any individual or entity, is  
3 that right?

4 A. Yes.

5 Q. It's not a criminal or a civil  
6 action?

7 A. That's correct.

8 Q. There is no requirement that  
9 the government establish the existence of  
10 evidence that an actual act of terrorism  
11 was committed by any individual or entity  
12 that is being considered for designation  
13 pursuant to Executive Order 13224?

14 A. Yes.

15 Q. And there is no requirement  
16 that the government have to demonstrate  
17 that an individual that's being considered  
18 for designation under Executive Order  
19 13224 actually intended to support  
20 terrorism in any way. Is that correct?

21 A. That's correct.

22 I mean, the designation again  
23 falls within the scope of Executive Order  
24 13224.

25 O. And that's a fairly broad

1 GURULE

2 | order, is that right?

3 A. That's right, yes.

4 Q. And the idea of it, the  
5 ultimate goal, is one that is  
6 preventative, that is, to prevent the use  
7 of funds to fuel or further terrorist  
8 attacks, is that right?

9 A. Yes.

10 Q. And it is to save lives?

11 A. Yes.

12 Q. And an individual can be  
13 designated if there is reason to believe  
14 that that entity poses a significant risk  
15 for committing acts of terrorism, is that  
16 right?

17 A. That's one basis for  
18 designation.

19 Q. And there is no requirement of  
20 evidence that the individual actually  
21 committed an act of terrorism, right, it's  
22 the posing a significant risk, do I have  
23 that correct?

24                   A.            Well, you can be designated if  
25                   you actually, if the individual has

1 GURULE  
2 actually committed an act of terrorism,  
3 but the individual could also be  
4 designated if he or she poses a threat of  
5 committing acts of terrorism that threaten  
6 national security.

7 Q. You note in your report, and I  
8 refer you to page 4 if you want to look at  
9 it, at page 4 you note that, second full  
10 paragraph, towards the end of that second  
11 full paragraph, "Publicly designating  
12 individuals and organizations for asset  
13 freeze 'notifies the U.S. public and the  
14 world that these parties are either  
15 actively engaged in or supporting  
16 terrorism or that they are being used by  
17 terrorists and their organizations'."

Did I read that correctly?

19 A. Yes.

20 Q. What did you mean by being used  
21 by terrorists and their organizations,  
22 what did you mean by that?

23 MR. EUBANKS: Objection to  
24 form, mischaracterization.

25 A. First of all, it is a quote, it

1 GURULE  
2 is a quote from the Terrorist Assets  
3 Report, 18th annual report to Congress on  
4 the assets, on assets in the United States  
5 of terrorist countries, international  
6 terrorists, terrorist program designees,  
7 2008, 2009, and so I'm quoting from the  
8 Treasury Department report.

14 Q. So your understanding is that  
15 an individual who may be unknowingly  
16 providing or financing terrorist activity  
17 could be subject to designation under  
18 Executive Order 13224, is that right?

19 A. Yes.

20 Q. And by the same token, an  
21 individual who may be unwittingly  
22 financing terrorism activity could be  
23 subject to designation under Executive  
24 Order 13224, is that fair to say?

25 A. Yes; so it's both, someone

1 GURULE

2 could be doing it intentionally,  
3 knowingly, willfully, or inadvertently,  
4 unknowingly.

5 Q. And the idea is that Executive  
6 Order seeks to cast a wide net so as to  
7 disrupt the channels of terrorist  
8 financing to save lives, is that fair to  
9 say?

10 A. Yes.

11 Q. You state on page 6, and this  
12 is under the section SDGT Designation  
13 Process, this is the third sentence under  
14 that section, "First, OFAC collects  
15 evidence to support the SDGT designation."

Did I read that correctly?

17 A. Yes.

18 Q. Do you mean by that to say that  
19 the first step in the process is to look  
20 for evidence or, rather, collect evidence,  
21 I'm trying to distinguish that between  
22 identifying an individual who might be  
23 subject to Executive Order 13224 and so I  
24 would like to understand, in making this  
25 statement, are you saying that the first

# C E R T I F I C A T I O N

6 I, Jineen Pavesi, a Registered  
7 Professional Reporter, Registered Merit  
8 Reporter, Certified Realtime Reporter and  
9 a Notary Public, do hereby certify that  
10 the foregoing witness, JIMMY GURULE, was  
11 duly sworn on the date indicated, and that  
12 the foregoing is a true and accurate  
13 transcription of my stenographic notes.

14 I further certify that I am not employed  
15 by nor related to any party to this  
16 action.

Jeanne Pausé, RPR, RMR

JINEEN PAVESI, RPR, RMR, CRR